

REMARKS

Claims 1-3 were presented for examination and were pending in this application. In the latest Office Action, claims 1-3 were rejected. With this amendment, claims 1 and 2 are canceled, and new claims 4-22 are added. On the basis of the following remarks, consideration of this application and allowance of all pending claims are requested.

The title has been amended to provide a more descriptive title, as required by the examiner.

The examiner objected to the specification on the ground that it does not contain a detailed description that corresponds to figures 1 and 2. Accordingly, the detailed description has been amended to provide such a description for figures 1 and 2 without adding new matter.

Claim 3 was rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,808,610 to Benson et al. in view of U.S. Patent No. 5,760,774 to Grossman et al. Applicant respectfully traverses this rejection because the proposed combination of Benson and Grossman does not include each of the claimed limitations and because the combination is improper under 35 U.S.C. § 103.

Claim 3 recites a method for using a graphical user interface, including in part, “changing the graphical representation of one or more of the elements when two or more of the elements are disposed within close proximity of each other.” In this way, a user can manipulate the elements or controls of a graphical user interface to achieve an aesthetically pleasing and ergonomically functional user interface for a software program. The elements respond to a user’s manipulation thereof by changing their appearance when moved in proximity to other elements.

In rejecting claim 3, the examiner cited Benson for its disclosure of docked panels. A panel is defined in Benson as a floating window in a user interface that “contain[s] tools, commands, and information displays used for modifying a document.” (Benson, col. 1, lines 23-25.) In Benson, two panels can be docked by moving one panel sufficiently close to another. Once docked, a group of panels can be minimized by pressing the minimize button of any one of the panels. As admitted in the Office Action, however, Benson maintains the original graphical form of the panels when they are docked. Specifically, Benson’s panels do not change their graphical representation when disposed within close proximity of each other.

Because of the deficiencies in Benson, the examiner proposed modifying Benson with Grossman. Grossman describes a method of consolidating icons in which a computer determines how often an icon is used, and if not used very often, the icon is removed from the user interface to avoid screen clutter. As Grossman explains, “If it is determined that one or more icons should be consolidated, then the icons disappear and the master icon graphically changes as needed.” (Grossman, col. 9, lines 10-12.) Importantly, there is no suggestion in Grossman of changing the graphical representation of any icon when two icons are within close proximity of each other. Unlike Benson, being within close proximity is not an event that causes a change in Grossman’s user interface. Instead, Grossman merely alters a master icon to indicate when one of the other icons has been deleted from the screen. Accordingly, Grossman similarly fails to disclose changing the graphical representation of one or more elements when two or more of the elements are within close proximity of each other.

Because neither of the references discloses the claimed limitation, the examiner has suggested a modification of Benson “to alter the graphical appearance of Benson’s proximity-merged ‘elements’ through the technique of Grossman.” However, Grossman’s technique

cannot be applied to Benson's dockable panels to achieve the claimed invention. Grossman's technique is to alter the appearance of a master icon to indicate that another icon has been deleted. But the existence of such a master icon or a similar feature is completely lacking in Benson's interface. Moreover, there would be no need to apply Grossman's technique of altering a master icon in Benson because Benson's interface does not delete a panel when the panel is docked. Therefore, Grossman's technique has no application in Benson's interface, as there is no logical combination of Benson and Grossman in which the graphical representation of one or more elements would be changed when placed in close proximity.

In addition, the suggested combination of Benson and Grossman is improper because it would destroy Benson's principle of operation. Where a proposed modification of a reference would change a principle of operation that reference, an obviousness rejection cannot be maintained thereon. MPEP § 2143.03; *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Although both Benson and Grossman share the goal of eliminating screen clutter, they do so in entirely different ways. Benson is directed to eliminating clutter from floating windows, while Grossman is concerned with the over-abundance of icons on a screen. As Benson explains, the purpose of docking panels is to allow a user to save time when manipulating multiple panels. Benson thus attacks the problem of multiple floating windows by docking the windows to allow a user to manipulate them as a single unit (e.g., to move and minimize them). Grossman does not teach joining elements in a user interface; it teaches removing an element from the user interface altogether and then indicating that deletion on a master icon. In Grossman's technique, the change in appearance of the master icon occurs only when a screen element is deleted. If one were to modify Benson with the teachings of Grossman, therefore, the result would not be docked panels, but rather deleted panels that would not allow a user to use the controls thereon.

Because this would change a principle of Benson's operation, is improper modify Benson with the disclosure of Grossman in the manner suggested in the Office Action.

Because Benson in view of Grossman does not disclose each and every claimed limitation of claim 3, and because the references cannot be combined in the manner suggested, claim 3 is patentable over the suggested combination.

New claims 4-22 recite additional features of the invention as claimed in claim 3, and are therefore patentable for the reasons outlined above. In addition, at least some of these new claims recite additional features that are not described in Benson or Grossman, including elements having a core and a dynamic edge, changing the shape of the dynamic edge when merging elements, and fusing the colors of merged elements.

Based on the foregoing, the application is in condition for allowance of all claims, and a Notice of Allowance is respectfully requested. If the examiner believes for any reason direct contact would help advance the prosecution of this case to allowance, the examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,

ALEXANDER MARC JACQUES BROUAUX

Dated: April 16, 2004

By: 

Robert A. Hulse, Reg. No. 48,473
Attorney for Applicant
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2444
Fax: (415) 281-1350